

STATUTES

Made at MARLBOROUGH *alias* MARLBIDGE, 18 Novemb. Anno 52
HEN. III. and Anno Dom. 1267.

CAP. IV.

A Distress shall not be driven out of the County. And it shall be reasonable.

No one from henceforth shall cause any Distress that he hath taken, to be driven out of the County where it was taken; (2) And if one Neighbour do so to another of his * own authority, and without Judgment, he shall make Fine (as above is said) as for a thing done against the Peace: (3) Nevertheless, if the Lord presume so to do against his Tenant, he shall be grievously punished by Amerciament. (4) Moreover, Distresses shall be reasonable, and not too great. (5) And he that taketh great and unreasonable Distresses, shall be grievously amerced for the Excess of such Distresses.

Nullus de cætero faciat ducere districtiones, quas fecerit, extra comitatum in quo captae fuerint; & si vicinus hoc fecerit super vicinum suum, & per voluntatem suam, & sine iudicio, puniatur per redemptionem **42** nem, ut supra, veluti de re *facta* contra pacem; veruntamen si dominus hoc super tenantem suum facere presumpserit castigetur per gravem misericordiam. Districtiones insuper sint rationabiles, & non nimis graves. Et qui districtiones fecerint irrationabiles, & indebitas, graviter amercentur propter excessum districtionum ipsarum.

Fitz. Bar. 120, 275. 29 Ed. 3, c. 23. Kel. 50. 3 Ed. 1, c. 16. 1 & 2 P. & M. c. 12. Distresses shall be reasonable. 28 Ed. 1, Stat. 3. c. 12. 2 Inst. 106.

See as to the first part of this Statute Stat. 3 E. 1, c. 16, and 1 & 2 P. & M. c. 12. It is held that a party wishing to take advantage of this Statute ought to do it by way of action that may entitle the King to a fine (though this is now abolished), and not by way of bar to an avowry, 2 Inst. 131; *Woodcroft v. Thompson*, 3 Lev. 48; so that the act is not utterly unlawful.